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SUBJECT: DEVELOPMENT OF WEBSITE IPR MATERIALS

REF: SECSTATE 224924

1. Embassy Brasilia offers the following thoughts in response to reftel's request to consider development of post specific, IPR-related web-site materials, citing the China "IPR Toolkit" as an example. Please see action request in para 5.

2. Brazil is a major market for counterfeit and pirated products. The International Intellectual Property Alliance (IIPA) estimates that \$785 million were lost by U.S. copyright industries alone in 2003 due to piracy; Brazil is on USTR's special 301 priority watch list. In 2001, IIPA filed a petition to remove trade benefits from Brazil under the Generalized System of Preferences; that review is still on-going. Although Brazil's patent law is largely TRIPs compliant, weak management of the national patent institute and a lack of resources over a number of years have resulted in an estimated 60,000-70,000 patent application backlog.

3. Given the substantial commercial risk in Brazil resulting from piracy, counterfeiting, and a stalled patent system, post welcomes the suggestion of making information on Brazil's intellectual property regime available on our website in an effort to aid U.S. companies. However, to develop materials in line with the China IPR toolkit, post would require financial assistance. Mission does not have any officers who work solely on IPR issues; dedicating staff to development of in-house material on the scale of the China IPR toolkit would severely undermine our ability to cover other essential elements of our work in Brazil. To avoid the potential misperception that the USG is providing legal advice, we also believe it best that detailed guidance be provided by legal professionals.

4. Mission resources would enable staff to produce an overview section on IPR protection in Brazil by February next year; post proposes contracting with a local IPR law/consulting firm to provide the detailed "how to" information for each type of IPR protection. This material would draw heavily from and be linked to Brazil's National Patent Institute (INPI) website, which already has in-depth information in English on pertinent laws, regulations, international treaties and application/registration procedures for the protection of patents, trademarks, and industrial designs. In addition to augmenting the INPI information as necessary, the local firm would provide detailed "how-to" information covering copyright protection. Post estimates the cost of contracting out development of such material at around \$10,000 with turnaround time of one to two months.

5. Action Request: Embassy requests that Washington agencies consider making funds available for development by a local firm of more detailed guidance for protecting specific intellectual property rights in Brazil. Meanwhile, Post will move forward with drafting an IPR overview for placement on the Embassy website, drawing heavily from the National Trade Estimate report and Country Commercial Guide.

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